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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,180	02/25/2002	Bruce L. Davis	P0585	1232
23735	7590	05/04/2005		EXAMINER
DIGIMARC CORPORATION				QURESHI, SHABANA
9405 SW GEMINI DRIVE				
BEAVERTON, OR 97008			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/086,180	DAVIS, BRUCE L.
	Examiner	Art Unit
	Shabana Qureshi	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/10/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Arguments

Claims 1-26 are pending in this action.

Applicant's arguments filed November 3rd, 2004 have been fully considered but they are not persuasive.

Applicant argues the following:

- (1) Rhoads does not teach "*by reference to said steganographically encoded data, generating text to be printed with said photo.*"
- (2) Rhoads does not teach "*soliciting an image depicting the user stored in an archive maintained by a governmental agency.*"
- (3) Rhoads does not teach the limitation "*at a governmental agency receiving an electronic request for an archived personal image from an individual depicted in said image.*"

In response to Applicant's first argument, Examiner respectfully disagrees. In many instances in the cited passages Rhoads teaches the generation of text that correlates to the steganographically encoded data and are altogether printed (column 3, lines 1-7; column 7, lines 4-11; column 7, lines 53). Also, the application of these techniques to passports and visas are discussed in the cited passage, which also teaches the printing of text that correlates to the digital image.

In response to Applicant's second argument, Examiner respectfully disagrees. Applicant does not clearly point out which part of limitation applicant believes is not taught by the prior art. Rhoads teaches the use of ATM cash cards or debit cards (column 2, lines 24-26, which inherently involves the user soliciting a card with information encoded within. The image in the excerpt is a digital image taken of the user which is stored in archive maintained in a central

accounting network (column 2, lines 65-67). Rhoads also teaches that the archive may be maintained by a government agency, as it teaches the use of government issued IDs (column 1, lines 27-34; column 6, lines 50-57) and therefore the teachings by Rhoads may be applied to government maintained archives. Therefore Examiner asserts that the limitation argued is taught by Rhoads.

In response to Applicant's third argument, Examiner respectfully disagrees. Applicant does not clearly point out which part of limitation applicant believes is not taught by the prior art. Rhoads teaches the use of ATM cash cards or debit cards (column 2, lines 24-26, which inherently involves the user soliciting a card with information encoded within. The image in the excerpt is a digital image taken of the user which is stored in archive maintained in a central accounting network (column 2, lines 65-67). Rhoads also teaches that the archive may be maintained by a government agency, as it teaches the use of government issued IDs (column 1, lines 27-34; column 6, lines 50-57) and therefore the teachings by Rhoads may be applied to government maintained archives. Therefore Examiner asserts that the limitation argued is taught by Rhoads.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhoads (US Patent No. 5,841,886).

In regards to claim 16, Rhoads teaches a document printing method, comprising:

- receiving a digital photo, the photo having plural-bit data steganographically encoded therein (column 7, lines 4-67);
- by reference to the steganographically encoded data, generating text to be printed with the printing a document including both the photo and the text photo (column 3, lines 1-7; column 7, lines 4-67); and
- printing a document including both text and photo (column 3, lines 1-7).

As per claim 17, Rhoads teaches the method of claim 16 that includes electronically transmitting at least a part of the plural-bit data to a remote computer, and receiving the text from the computer (column 2, line 64 – column 3, line 7).

As per claim 18, Rhoads teaches the method of claim 16, that includes receiving the digital photo from an archive of facial images (column 3, lines 19-22).

As per claim 19, Rhoads teaches the method of claim 16 that includes receiving the digital photo from an image archive maintained by a government agency (column 2, line 64 – column 3, line 4, column 6, line 50-57).

As per claim 20, Rhoads teaches the method of claim 16 in which the document is an identification document (column 6, lines 50-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads (US Patent No. 5,841,886).

In regards to claim 1, Rhoads teaches a method of printing a trusted image, comprising:

- an individual user electronically contacting a central network (column 2, line 64 – column 3, line 8, figure 1), soliciting an image depicting the user stored in an archive maintained by the central network (column 3, lines 19-22);
- electronically receiving the image from the central network (column 3, lines 1-4); and
- printing a document incorporating the image (column 3, lines 1-4).

Rhoads teaches that the ID card may be used for government use (column 50-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the central network can be a government agency.

Rhoads does not explicitly state that the image is received by the user that solicits the image. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the soliciting and receiving may be done at the same terminal so that the user may print an identification card (column 6, lines 50-57).

As per claim 2, Rhoads teaches the method of claim 1. Rhoads does not explicitly state that the image is received by the user that solicits the image. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the soliciting, receiving, and printing may be done at the same terminal so that the user may print an identification card (column 6, lines 50-57).

As per claim 3, Rhoads teaches the method of claim 1 in which the document is a photo identification document (column 6, lines 50-57).

As per claim 4, Rhoads teaches the method of claim 1 in which the document is an identification badge (column 6, lines 50-57).

As per claim 5, Rhoads teaches the method of claim 1 in which the governmental agency is a motor vehicle licensing agency, and the image is a driver license photo (column 6, lines 50-57).

As per claim 6, Rhoads teaches the method of claim 1 in which the image is processed with an identification code by the governmental agency (column 6, lines 50-57).

As per claim 7, Rhoads teaches the method of claim 1 in which the image is digitally watermarked with a plural-bit code by the governmental agency (column 4, line 5 – column 5, line 3, column 8, lines 6-15).

As per claim 8, Rhoads teaches the method of claim 7 in which the plural-bit code serves to identify the individual user's name (column 4, line 5 – column 5, line 3, column 3, lines 19-22).

As per claim 9, Rhoads teaches the method of claim 8 in which the plural-bit code comprises an index into a data structure in which the individual user's name is stored (column 4, line 5 – column 5, line 3, column 3, lines 19-22).

As per claim 10, Rhoads teaches a document printed according to the method of 1 (column 3, lines 1-8).

As per claim 11, Rhoads teaches a method of distributing a trusted image, comprising:

- at a central network, receiving an electronic request for an archived personal image from an individual depicted in the image (column 2, line 64 – column 3, line 4); and
- electronically transmitting the image to the individual (column 3, lines 1-7).
Rhoads teaches that the ID card may be used for government use (column 50-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the central network can be a government agency.

As per claim 12, Rhoads teaches the method of claim 11 that includes processing the image with an identification code prior to the electronic transmission (column 3, lines 1-4).

As per claim 13, Rhoads teaches the method of claim 11 that includes digitally watermarking the image with a plural-bit code prior to the electronic transmission (column 4, line 5 – column 5, column 3, lines 19-22).

As per claim 14, Rhoads teaches the method of claim 13 in which the plural-bit code serves to identify the individual's name, (column 4, line 5 – column 5, column 3, lines 19-22).

As per claim 15, Rhoads teaches the method of claim 14 in which the plural-bit code comprises an index into a data structure in which the individual's name is stored (column 4, line 5 – column 5, column 3, lines 19-22).

As per claim 21, Rhoads teaches a method of providing an access credential for a person, using a computer device, the method comprising:

- receiving at the computer device code data, transmitted by an authority, the code data having a future time or date associated therewith (column 1, lines 27-34; drivers licenses have expiration dates and are transmitted by state authorities);

- steganographically encoding the code data in a graphic (figure 3; column 4, lines 14-42); and

- presenting the encoded graphic as an access credential, to gain access to a restricted area (column 3, lines 40-45; ATMs and credit card systems have restricted access).

Rhoads does not explicitly state that the IDs may be printed by the proprietor of the ID. However, as it was acknowledged by the applicant in the IDS disclosed on January 7th, 2005, it was well known at the time the invention was made that driver's license photos could be accessed by credit card companies. Therefore the practice of allowing one that is not associated with the authority (that distributes IDs) to access images on the IDs occurred before the filing of the instant application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide access to the images to proprietors of the photos to be used for identification purposes in secure areas (column 1, lines 44-45). Allowing the user to print his/her own ID badge would also provide for easier access to for less secure purposes such as employee ID badges in places where there is low-priority security (column 1, lines 30-33).

As per claim 22, Rhoads teaches the method of claim 22 that includes steganographically encoding the code data in the graphic using the computer device (figure 3; column 4, lines 14-42).

As per claim 23, Rhoads teaches the method of claim 21. Rhoads does not explicitly state that the IDs may be printed by the proprietor of the ID. However, as it was acknowledged by the applicant in the IDS disclosed on January 7th, 2005, it was well known at the time the invention was made that driver's license photos could be accessed by credit card companies.

Therefore the practice of allowing one that is not associated with the authority (that distributes Ids) to access images on the Ids occurred before the filing of the instant application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide access to the images to proprietors of the photos to be used for identification purposes in secure areas (column 1, lines 44-45). Allowing the user to print his/her own ID badge would also provide for easier access to for less secure purposes such as employee ID badges in places where there is low-priority security (column 1, lines 30-33).

As per claim 24, Rhoads teaches the method of claim 21. It would further have been obvious to one of ordinary skill in the art at the time the invention was made that drivers licenses were used to enter events such as movies, as many events such as rated R movies are restricted by age.

As per claim 25, Rhoads teaches the method of claim 21. It would further have been obvious to one of ordinary skill in the art at the time the invention was made that drivers licenses were used to enter events such as movies, as many events such as rated R movies are restricted by age.

As per claim 26, Rhoads teaches the method of claim 21. Rhoads does not explicitly state that the Ids may be printed by the proprietor of the ID. However, as it was acknowledged by the applicant in the IDS disclosed on January 7th, 2005, it was well known at the time the invention was made that driver's license photos could be accessed by credit card companies. Therefore the practice of allowing one that is not associated with the government authority (that distributes Ids) to access images on the Ids occurred before the filing of the instant application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide access to the images to proprietors of the photos to be used for identification purposes in secure areas (column 1, lines 44-45). Allowing the user to print his/her own ID badge would also provide for easier access to for less secure purposes such as employee ID badges in places where there is low-priority security (column 1, lines 30-33).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990. The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi
Examiner
Art Unit 2155

SQ
30 April 2005



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